

Message Text

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PAGE 01 STATE 178554
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TO AMCONSUL MONTREAL

C O N F I D E N T I A L STATE 178554

MONTREAL FOR USREP TO ICAO

E.O. 11652:GDS

TAGS: PORG, ICAO

SUBJECT: US RESPONSE TO POLITICIZATION OF ICAO

REF: A) MONTREAL 1265; B) STATE 167737; C) MONTREAL 1295

1. THE DEPARTMENT SHARES YOUR CONCERN, EXPRESSED IN
REFTEL A, AT THE INCREASED POLITICIZATION OF ICAO AND WE
AGREE IT IS IMPORTANT TO CONSIDER APPROPRIATE RESPONSE. SO
FAR, RESPONSE FROM COUNTRIES APPROACHED IN RESPONSE TO THE
INSTRUCTION CONTAINED IN REFTEL B IS SYMPATHETIC, BUT PRO-
SPECTS ARE NONETHELESS POOR FOR SUCCESSFUL ACTION AT THE
NEXT COUNCIL OR ASSEMBLY SESSION TO REVERSE THE JUNE 22
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PAGE 02 STATE 178554

DECISION ON APPOINTMENTS OF BUREAU DIRECTORS.

2. THE NEW PROCEDURES ARE CLEARLY DETRIMENTAL TO THE
INTERESTS OF THE UNITED STATES AND WE SHARE YOUR CONCERN
THAT THEY MAY RESULT IN THE LONG TERM DEGRADATION OF THE
TECHNICAL ABILITIES OF THE SECRETARIAT. ONE TEST OF THIS
WILL BE WHETHER THE APPOINTMENT AS DIRECTOR OF THE AIR

NAVIGATION BUREAU IS MADE ON THE BASIS OF TECHNICAL ABILITY OR POLITICAL ACCEPTABILITY TO THE THIRD WORLD.

3. WHILE WE HAVE THE OPTION OF SEEKING AN ICJ OPINION AS TO THE LEGALITY OF THE COUNCIL DECISION, AS YOU POINT OUT

IN REF C, THE COURT MAY BE RELUCTANT TO ACCEPT THE CASE AND ANY PROCEEDINGS WOULD BE LENGTHLY. IT APPEARS THAT THE PRACTICAL OUTCOME IF WE WERE TO FORCE THE ISSUE WITH THE ICJ, WOULD BE FOR THE THIRD WORLD MAJORITY IN THE ICAO ASSEMBLY TO APPROVE A RESOLUTION AUTHORIZING THE COUNCIL TO ACT AS IT ALREADY HAS. THE COURT COULD THEN DECLARE THE MATTER MOOT.

4. OUR REACTION TO THE POSSIBILITY OF RESTRICTING THE USE OF US CONTRIBUTIONS TO THE ASSESSED BUDGET IS THAT IT WOULD BE OF QUESTIONABLE LEGALITY AND WOULD OPEN THE DOOR TO SIMILAR ACTION BY OTHER STATES. EVEN IF SUCH ACTION IS LEGAL, IT SEEMS THAT IT WOULD RESULT IN THE FURTHER POLITICIZATION OF ICAO AND HAVE NEGATIVE CONSEQUENCES ON THE EFFECTIVENESS OF THE ORGANIZATION, THEREBY UNDERCUTTING OUR LONG TERM INTEREST. THE QUESTION OF WITHDRAWING PRESIDENT CARTER'S RATIFICATION OF THE AMENDMENT TO THE CHICAGO CONVENTION TO INCREASE THE COUNCIL FROM 30 TO 33 MEMBERS WOULD NOT PREVENT THE EXPANSION OF THE COUNCIL, AND WOULD ONLY RESULT IN OUR VOTING IN THE ASSEMBLY FOR CONFIDENTIAL

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PAGE 03 STATE 178554

THREE SEATS WHICH WE HAD NOT ACCEPTED, AND WOULD COMPLICATE TO TASK OF THE U.S. DELEGATION IN ATTEMPTING TO GAIN SUPPORT FOR ELECTION OF FRIENDLY DELEGATES. CHRISTOPHER

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